

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO VILLATORO,
MISAEAL ALEXANDER MARTINEZ CASTRO, ANGEL
MARTINEZ, EDWIN ULLOA MOREIRA and MATEO
UMAÑA individually and on behalf of all others similarly
situated,

**Case No. 21-cv-09014
(PAE)(SDA)**

Plaintiffs,

- against -

KELCO CONSTRUCTION, INC., KELCO
LANDSCAPING, INC., E.L.M. GENERAL
CONSTRUCTION CORP. D/B/A KELLY'S CREW, JOHN
KELLY and JOSEPH PROVENZANO,

Defendants.

**DECLARATION OF STEVEN JOHN MOSER IN FURTHER SUPPORT OF MOTION
FOR CONDITIONAL CERTIFICATION AND NOTICE UNDER THE FLSA**

I, Steven Jon Moser, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I represent the Plaintiffs in this action.
2. I submit this declaration in further support of Plaintiffs' Motion for Conditional Certification under the FLSA.
3. Annexed hereto as Exhibits 1 and 2 are the *Public Release Rosters of Federally Certified Court Interpreters* published by the Administrative Office of the United States Courts on January 15, 2023 and February 9, 2023, respectively.
4. Plaintiffs served a subpoena upon ADP in February 2022. In response to the subpoena ADP produced documents, including Earning Statements ("paystubs") and duplicate checks for employees of Kelco Construction, Inc. ("Kelco") and ELM General Construction Corp. ("ELM") for the period from June 23, 2019 until May 14, 2022.

5. Annexed hereto as Exhibits 3-24 are true and accurate paystubs obtained from ADP pursuant to subpoena as follows:

Employee Name	Kelco Paystub	ELM Paystub
Eduardo Narvaez	Ex. 3	Ex. 4
Elmer Amador	Ex. 5	Ex. 6
Elvis Canales	Ex. 7	Ex. 8
Juan Hernandez	Ex. 9	Ex. 10
Mario Rodriguez	Ex. 11	Ex. 12
Rohan Guthrie	Ex. 13	Ex. 14
Elmer Cruz	Ex. 15	Ex. 16
Jose Canales	Ex. 17	Ex. 18
Jose Flores	Ex. 19	Ex. 20
Narciso Alvarenga Ramirez	Ex. 21	Ex. 22
Noel Narvaez	Ex. 23	Ex. 24

6. Annexed hereto as Exhibits 25 and 26, respectively are true and accurate excerpts of the Complaint (ECF No. 1) and Answer (ECF No. 23).

I declare under penalty of perjury, that the foregoing is true and correct.

Dated: February 13, 2023

/s/ Steven John Moser
Steven John Moser